



UNITED STATES PATENT AND TRADEMARK OFFICE

cm
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,641	09/26/2003	Robert J. Drost	SUN-P9609	7883

57960 7590 12/14/2006

SUN MICROSYSTEMS INC.
C/O PARK, VAUGHAN & FLEMING LLP
2820 FIFTH STREET
DAVIS, CA 95618-7759

EXAMINER

WELLS, KENNETH B

ART UNIT PAPER NUMBER

2816

DATE MAILED: 12/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/671,641	Applicant(s) DROST ET AL.	
	Examiner Kenneth B. Wells	Art Unit 2816	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-9,11-17 and 19-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-9, 11-17 and 19-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2816

1. The amendment filed on 10/16/06 has been received and entered in the case.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1, 3-9, 11-17 and 19-27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

It is not clear from the originally filed specification and drawings how the circuitry of instant Figs. 1 and 2 will provide the operation now recited in the claims, i.e., checking for a large disparity between clock speeds, detecting the frequency of the clock, etc. Rather, the instant drawings merely show a pair of cross-coupled PLL's on separate chips, and the details of the frequency detectors included therein.

4. Claims 1, 3-9, 11-17 and 19-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to

Art Unit: 2816

particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "large" is vague and indefinite because it is a relative term that has not been defined in either the specification or claims. Therefore, it cannot be determined how large (or small) the disparity between the clock speeds would have to be so as to be considered a "large" disparity. This term is inherently vague and indefinite and should be

5. Claims 1, 3, 4, 6-9, 11, 12, 14-17, 19, 20 and 22-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li et al in view of any one of Self et al '308, Self et al '532, Bar-Niv, Oman et al and Eggebrecht et al, and further in view of any one of Lenk, Chesavage '626, Locker et al, Doblar et al, Smith et al, Yabuki et al and Chesavage '350.

See paragraph three of the previous office action mailed on 8/2/06 for the details of this rejection. As to the new limitations added to the claims, such will not distinguish over the above-noted combination of references because such is not enabled (as noted above in paragraph three) and also because, to the extent that applicant's invention will perform such operation, so too will the combined circuitry of the above-noted references. The reason is because the circuitry is the same,

Art Unit: 2816

i.e., in both the combined prior art and the present invention, there are a pair of cross-coupled PLL's on separate chips where the clock outputs thereof are synchronized with each other via the inherent operation of a PLL circuit, i.e., as well-known in the art, when the input and output clocks of a PLL are not synchronized, the action of the internal phase detector, feedback loop and VCO will result in one of the clocks speeding up (or slowing down) so that they will eventually become phase/frequency synchronized. Put another way, applicant is now reciting something which might occur during operation of the instant invention (i.e., a large disparity between the initial speeds of the two chips), and then reciting that the invention will correct the problem by speeding up the output clock of one of the two PLL's (or slowing it down). Because such an occurrence could clearly exist in the circuitry of the prior art, and also because the structure of the invention (two cross-coupled PLL's) is the same as that of the prior art, then the prior art will also be able to correct the problem by speeding up the output clock of one of the two PLL's (or slowing it down). Thus, the new limitations added to the claims cannot be relied upon to define over the applied combination of prior art cited above.

Art Unit: 2816

6. Claims 5, 13 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li et al in view of any one of Self et al '308, Self et al '532, Bar-Niv, Oman et al and Eggebrecht et al, and further in view of any one of Lenk, Chesavage '626, Locker et al, Doblar et al, Smith et al, Yabuki et al and Chesavage '350 as applied to claims 1, 3, 4, 6-9, 11, 12, 14-17, 19, 20 and 22-27 above, and further in view of Coleman.

See paragraph four of the previous office action mailed on 8/2/06 for the details of this rejection.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated

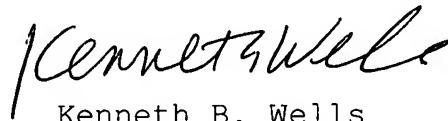
Art Unit: 2816

from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth B. Wells whose telephone number is (571)272-1757. The examiner can normally be reached on Monday through Friday from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy P. Callahan, can be reached at (571)272-1740. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kenneth B. Wells
Primary Examiner
Art Unit 2816

December 9, 2006